

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

JOHN FRYER,

Plaintiff,

vs.

VINCENT DIXON,

Defendant.

Case No. 1:11-cv-661

Weber, J.

Bowman, M.J.

**REPORT AND RECOMMENDATION**

On September 27, 2012, the undersigned Ordered Plaintiff to Show Cause, in writing and within 20 days, why his claims are not barred by the doctrine of *res judicata*. (Doc. 14). As noted in the Show Cause Order, it appears that Plaintiff has previously litigated a similar, if not identical case, in state court against Defendant Dixon. Plaintiff was also warned that his failure to comply with Order would result in a Report and Recommendation to the District Judge that Plaintiff's complaint be dismissed. *Id.* Plaintiff has not filed a response to the Show Cause Order or any other pleading addressing the issue of *res judicata*.<sup>1</sup> Based on the foregoing, **IT IS THEREFORE RECOMMENDED THAT:** Plaintiff's complaint be **DISMISSED** and this matter **TERMINATED** on the active docket of the Court.

/s/ Stephanie K. Bowman

Stephanie K. Bowman

United States Magistrate Judge

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<sup>1</sup> The record indicates that Plaintiff was served, via certified mail, with the Show Cause Order on September 28, 2012. (Doc. 16).

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**NOTICE**

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to this Report & Recommendation (“R&R”) within FOURTEEN (14) DAYS of the filing date of this R&R. That period may be extended further by the Court on timely motion by either side for an extension of time. All objections shall specify the portion(s) of the R&R objected to, and shall be accompanied by a memorandum of law in support of the objections. A party shall respond to an opponent’s objections within FOURTEEN (14) DAYS after being served with a copy of those objections. Failure to make objections in accordance with this procedure may forfeit rights on appeal. See *Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).